

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO**

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In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

**Re: ECF No. 663, 674, 858, 1032,
1039**

(Jointly Administered)

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In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

PUERTO RICO HIGHWAYS AND
TRANSPORTATION AUTHORITY (“HTA”)

Debtor.

PROMESA

Title III

No. 17 BK 3567-LTS

**This Joint Motion relates only to
HTA and shall be filed in the lead
Case No. 17 BK 3283-LTS and Case
No. 17 BK 3567-LTS.**

**JOINT NOTICE AND STIPULATIONS AMENDING DEADLINES AGREED AT
DOCKET 1032 CONCERNING THE REQUEST
FOR RELIEF OF STAY FILED BY HTA MANAGERIAL EMPLOYEES**

COME NOW, the Managerial Employees of the Puerto Rico Highway and Transportation Authority (“HTA”) listed in Exhibit I of the *Motion Requesting Relief From Stay* (Dckt. 663) (the “Stay Motion”), hereinafter designated as the “Movants” and the Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”) on behalf of HTA thru their respective counsel and respectfully state and

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); and (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

pray:²

1. On July 19, 2017, the Movants filed the Stay Motion requesting this Honorable Court lift the automatic stay under Bankruptcy Code section 362(a), made applicable to the Title III case by PROMESA section 301, of the legal proceedings that are being held on the employment claims filed and prosecuted against the HTA by Movants before different Commonwealth's judicial and administrative forums. See Dckt. 663.

2. On August 2, 2017, AAFAF, on behalf of HTA, filed an objection to the Stay Motion (Dkt. 858) (the "Objection"). In the Objection, AAFAF argues, among other things, that it needs additional time to evaluate Movants' claims in the overall context of HTA's Title III case. It also pointed to Movants' failure to provide information about the status and stage of each of the 115 employment claims prosecuted by them, which have been stayed after the commencement of HTA's Title III case.

3. As set forth in the *Joint Motion and Stipulations Concerning the Request for Relief of Stay Filed by The HTA Managerial Employees* (Dckt. 1032, hereinafter the "Joint Motion") filed on August 15, 2017, Movants and HTA reached an agreement to adopt a process that would allow HTA to receive particularized information on each of the claims involved in the Stay Motion and for both parties to conduct discussions in an effort to reach agreements regarding Movants' request for relief of stay. Pursuant to the Joint Motion, the parties agreed to the following:

- The Movants agreed to "furnish HTA with particularized information concerning each claim included in the list attached as Exhibit 1 to the Motion, including a summary of the nature of the claim, the status and stage of the proceedings, and any other information that may be relevant to Sonnax factors nos. 1,10, & 11." See Joint Motion at 4.a. The deadline for Movants to furnish this information to HTA (represented here by AAFAF) expires Thursday September 14, 2017, 30 days from the filing of the Joint Motion. Id.
- After the Movants provide the information regarding each of the claims, HTA agreed to "make an individual analysis of the request for relief of stay for each claim and will respond to the Movants, through their counsel, whether it will withdraw its objection to

² The Financial Oversight and Management Board for Puerto Rico, as the Debtors' representative pursuant to section 315(b) of the Puerto Rico Oversight, Management, and Economic Stability Act ("PROMESA"), has authorized AAFAF to consent to this joint motion on behalf of HTA.

the lift of the stay.” See Joint Motion at 4.b. This response would be due 45 days after Movants provided the relevant information on each claim. Id.

- The Stay Motion will be held in abeyance for a period of ninety (90) days expiring on November 12, 2017.

4. On August 15, 2017, this Honorable Court entered the *Order Granting Joint Motion and Stipulations Concerning the Request For Relief of Stay Filed by HTA Managerial Employees* (Dckt. 1039) (the “Order”), granting the Joint Motion and adopting the stipulations of the parties set forth therein.

5. Due to the circumstances that have arisen in Puerto Rico after the passage of Hurricane Irma last week, the parties are unable to comply with the deadlines set forth in the Order. Among other things, these circumstances include the interruption of work during last week (the Government and private sector closed all operations for no less than two and a half working days) and the offices of counsel for both parties as well as the office of the Association of the HTA Managerial Employees (where most of the files of the relevant claims are stored) still lack electricity power since last Wednesday. This situation has prevented the Movants from finishing the gathering of information that HTA needs to make an individual assessment of the request for relief of stay for each of the relevant claims.

6. In consideration of the above, the parties have agreed to amend the Joint Motion to extend the deadlines set forth therein, and request the Honorable Court to extend the period during which the Stay Motion as well as the Objection filed by HTA (Dckt. 858) are held in abeyance.

7. The new deadlines agreed to by the parties are as follows:

- October 13, 2017- Movants will furnish particularized information of the relevant claims to HTA.
- November 27, 2017- HTA will furnish an answer to Movants informing its position concerning the request for relief of stay as to each individual claim
- November 28, 2017 thru December 11, 2017- the parties shall meet and confer in an effort to reach an agreement on any remaining controversies concerning the request for relief of the stay of the proceedings corresponding to the claims being prosecuted by Movants

against HTA.

- December 12, 2017- the parties shall file a joint motion with the Court informing the Court of the results of the negotiations, any agreements obtained, and any remaining controversies.
- All other agreements and provisions set forth by the parties in the Joint Motion maintain their full force.

8. The parties respectfully request the Honorable Court amend the Order (Dckt. 1039) to adopt the new deadlines set forth above and hold the Stay Motion as well as the Objection in abeyance until December 13, 2017.

WHEREFORE, the appearing parties respectfully request this Honorable Court to approve the agreements as set forth above.

CERTIFICATE OF SERVICE

COUNSEL FOR BOTH PARTIES CERTIFY that on this date, this document has been electronically filed with the Clerk of the Court using the CM/ECF System, which will send notice to all registered participants.

COUNSEL FOR MOVANTS certify they have also sent a true and exact copy of this Motion via regular mail and e-mail to counsel for HTA in various of the proceedings that have been stayed pursuant to the commencement of HTA's Title III case, including: Lcdo. Juan M. Maldonado De Jesús, Oficina del Asesor Legal ACT, P.O. Box 42007 San Juan, Puerto Rico 00940-2007 and jumaldonado@dtop.pr.gov; Carlos J. Garcia Bonilla, Oficina de Asesoría Legal ACT, PO Box 42007 San Juan, Puerto Rico 00940-2007 and cjgarcia@dtop.pr.gov; María Elena Vázquez Graziani and Rocío Ramos Santiago, Vázquez Graziani & Rodríguez, 33 Calle Resolución, Suite 805 San Juan, Puerto Rico 00920-2707 and rocioramos@vgrlaw.com and vazgra@vgrlaw.com, respectively; Sarah G. Sáez López and Raúl Castellanos, Development & Construction Law Group LLC PMB 443, Suite 112, 100 Grand Paseos Boulevard San Juan, Puerto Rico 00926 and rcastellanos@devconlaw.com and ssaez@devconlaw.com, respectively.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 14th day of September, 2017.

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